

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH CASE NO. 2010091131
v.	
LOS ANGELES UNIFIED SCHOOL DISTRICT,	
PARENT ON BEHALF OF STUDENT,	OAH CASE NO. 2010071145
v.	
LOS ANGELES UNIFIED SCHOOL DISTRICT.	ORDER GRANTING MOTION TO CONSOLIDATE

On July 22, 2010, Parent filed a Request for Due Process Hearing in OAH case number 2010071145 (First Case), naming the Los Angeles Unified School District (District). On September 8, 2010, a telephonic prehearing conference (PHC) was held and District's Motion to Continue was granted. Mediation was set on October 21, 2010, a PHC was set on November 3, 2010, and a Due Process Hearing was set on November 16, 2010, November 17, 2010 and November 18, 2010.

On September 30, 2010, Student's attorney Angela M. Gilmartin (Student) filed a Request for Due Process Hearing in OAH case number 2010091131(Second Case), naming District. On September 30, 2010, OAH issued a Scheduling Order and Notice of Due Process Hearing and Mediation in Student's Second Case. The Mediation was set on November 3, 2010 at 1:30PM, the PHC was set on November 15, 2010 at 10:00 a.m., and the Due Process Hearing was set on November 23, 2010 at 9:30 a.m.

On October 6, 2010, Student filed a Motion to Consolidate Cases (Motion), and requested that all hearing dates in the First and Second Cases be rescheduled and the hearing be set for four days. On October 18, 2010, Student filed a letter to continue the October 21, 2010 Mediation pending a ruling on this Motion.

District did not file a response to this Motion.

### *Consolidation*

Although no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, OAH will generally consolidate matters that involve: a common question of law and/or fact; the same parties; and when consolidation of the matters furthers the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subd. (a) [administrative proceedings may be consolidated if they involve a common question of law or fact]; Code of Civ. Proc., § 1048, subd. (a) [same applies to civil cases].)

Here, the First Case and Second Case involve common questions of law or fact. Both of Student's cases involve the same evidence concerning Student's assessments, the IEP team's offer of placement and services during the 2009-2010 school years, and remedies. District has not opposed the Motion to Consolidate. In addition, consolidation furthers the interest of judicial economy because many of the same witnesses would be called to testify in both cases. Accordingly, consolidation is granted.

### ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2010071145 are vacated.
3. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the complaint in OAH Case Number 2010091131.
4. All dates previously set in case 2010091131 shall remain as scheduled: Mediation on November 3, 2010 at 1:30 pm, PHC on November 15, 2010 at 10:00 a.m., and hearing on November 23, 2010 at 9:30 a.m.
5. If Student wishes to continue the consolidated cases, the parties shall meet and confer regarding new hearing dates as is requested by OAH. Forms are available on the OAH website explaining the procedure.

Dated: October 20, 2010.

/s/

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CLARA SLIFKIN  
Administrative Law Judge  
Office of Administrative Hearings